

Department of Education

Legislative Delegations

**Delegation of
Director-General's Powers**

under

***Family Responsibilities Commission Act
2008***

(Version 1 – October 2022)

NOTE: In accordance with the Managing delegations, authorisations and administrative approvals procedure, legislative delegations and authorisations are centrally managed by Policy and Statutory Engagement. Policy and Statutory Engagement must be contacted for all proposed amendments to this delegation.

INSTRUMENT OF DELEGATION

Family Responsibilities Commission Act 2008

I, Michael De'Ath, Director-General of the Department of Education, under section 103 of the *Public Service Act 2008*, DELEGATE those powers and functions conferred or imposed on me as chief-executive of the department mainly responsible for education under the provisions of the *Family Responsibilities Commission Act 2008*, which are specified in **Column 1** of Schedule 1, subject to the limitations (if any) specified in **Column 3** of Schedule 1, to the persons who are from time to time the holders of each position specified in **Column 4** of Schedule 1.

This Instrument of Delegation is comprised of this page, and Schedule 1 comprising 3 pages. No other material forms part of the Instrument.



MICHAEL DE'ATH
DIRECTOR-GENERAL
DEPARTMENT OF EDUCATION

DATED AT BRISBANE THIS 28th day of October, 2022.

**SCHEDULE 1 – Table of Delegated Powers of Director-General
Family Responsibilities Commission Act 2008**

SCHEDULE 1 – Table of Director-General’s Delegated Powers <i>Family Responsibilities Commission Act 2008</i>			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
Part 8 – Information exchange			
Division 2 – Particular provisions about information exchange			
s.41	<p>Notice about school enrolment</p> <p>(1) This section applies if the education chief executive becomes aware—</p> <p>(a) a child of compulsory school age is not enrolled at a school; and</p> <p>(b) the child or a parent of the child lives, or at any time after the commencement of this section has lived, in a welfare reform community area.</p> <p>(2) The education chief executive must as soon as practicable give the commission notice of the child’s non-enrolment.</p> <p>(3) The notice must be in the approved form.</p> <p>(4) The approved form must include provision for—</p> <p>(a) the name and, if known, the address of the child; and</p> <p>(b) the name and address, if known, of the parents of the child.</p> <p>(5) This section does not apply to a child of compulsory school age if—</p> <p>(a) an exemption under the <i>Education (General Provisions) Act 2006</i>, chapter 9, part 3, is in force for the child; or</p> <p>(b) the <i>Education (General Provisions) Act 2006</i>, section 176(1) does not apply in relation to the child because of chapter 9, part 4 of that Act.</p>		<ul style="list-style-type: none"> • Assistant Director-General, Strategy and Performance • Executive Director, Performance Monitoring and Reporting • Principal • Deputy Principal

SCHEDULE 1 – Table of Director-General’s Delegated Powers
Family Responsibilities Commission Act 2008

Column 1	Column 2	Column 3	Column 4
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s.93	<p>Information requirement made by commissioner</p> <p>(1) The commissioner may ask a prescribed entity for particular relevant information in the entity’s possession or control.</p> <p>(2) However, the commissioner may ask a prescribed entity mentioned in the definition <i>prescribed entity</i>, paragraph (d), for relevant information only if the information is in relation to a person who has been directed by the commission to attend a community support service under a case plan.</p> <p>(3) If the commissioner asks a prescribed entity for relevant information under this section, the entity must comply with the request unless the entity reasonably considers that—</p> <p>(a) giving the information could reasonably be expected—</p> <p>(i) to prejudice the investigation of a contravention or possible contravention of a law in a particular case; or</p> <p>(ii) to prejudice an investigation under the <i>Coroners Act 2003</i>; or</p> <p>(iii) to enable the existence of a confidential source of information, in relation to the enforcement or administration of a law, to be ascertained; or</p> <p>(iv) to identify a confidential source of information in relation to the enforcement or administration of a law; or</p> <p>(v) to identify a person who has given the entity or someone else information about a matter mentioned in the <i>Child Protection Act 1999</i>, section 186(1); or</p> <p>(vi) to endanger a person’s life or physical safety; or</p> <p>(vii) to prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or</p>	<p>Prescribed entity is defined in s.90 of the <i>Family Responsibilities Commission Act 2008</i> and includes the chief executive of a department that is mainly responsible for education.</p> <p>The function in s.93 must be exercised in accordance with the considerations set out in s.93(3).</p> <p>Limitations *Delegates’ power is limited to requests for enrolment and/or attendance information regarding a student of their own school.</p>	<ul style="list-style-type: none"> • Assistant Director-General, Strategy and Performance • Executive Director, Performance Monitoring and Reporting • Principal* • Deputy Principal*

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	<p>dealing with a contravention or possible contravention of a law; and</p> <p>(b) it would not be in the public interest to give the information.</p> <p>(4) For subsection (1), information is not taken to be in the prescribed entity’s control merely because of an agreement between the prescribed entity and another entity under which the other entity must give the information to the prescribed entity.</p>		